

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Twana Adams, et al,	:	08-cv-5996 (GEL)
Plaintiffs	:	
v.	:	
New York State Education Department,	:	
et al	:	
Defendants	:	
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**FAGAN DECLARATION IN SUPPORT OF MOTION FOR EXTENSION OF TIME**

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Edward D. Fagan, hereby declares and says:

1. I am Plaintiffs' counsel and I make this declaration in support of Plaintiffs' Motion for a short extension of time within which to respond to Defendants' Motions and to file their Cross Motion.
2. At the July 29, 2008 Conference, the Court indicated that after Plaintiffs had an opportunity to review Defendants Motions, the Court would consider a request for such additional time as plaintiffs needed to respond to the Motions.
3. Plaintiffs need until September 19, 2008 to respond to Defendants' Motions.

4. In addition to the above facts, the Court should note that:
  - a. certain Plaintiffs have failed to cooperate with Plaintiffs' counsel or attempted to create unnecessary conflicts with other Plaintiffs and as such have interfered with Plaintiffs and Plaintiffs' counsel's ability to respond to the outstanding Motions; and
  - b. certain Plaintiffs have failed to cooperate with Plaintiffs' counsel to provide the information necessary with which to respond to the Motion.
5. Plaintiffs and Plaintiffs' counsel are therefore compelled to request this additional time, to either Move to Voluntarily Dismiss certain Plaintiffs, or to file an Amended Complaint to include only those Plaintiffs who in good faith intend to continue the prosecution of this case and/or on whose behalf Plaintiffs' counsel can continue the prosecution of the case.
6. The majority of the named Plaintiffs will continue the case and are cooperating. It is only a minority who have failed to cooperate or have created a conflict with other Plaintiffs and/or have otherwise failed to cooperate with Plaintiffs' counsel and failed to provide the evidence with which to prosecute the case.
7. In view of the foregoing, Plaintiffs pray the Court grant the short extension of time.

Dated: September 5, 2008

/s/ Edward D. Fagan (electronically signed)

Edward D. Fagan